

## REMARKS

Upon entry of the present Amendment, claims 12, 16, 19 and 25 will have been amended. Claims 2-5, 7, 8 and 11-25 will remain pending in the application. For the reasons set forth below, Applicant believes that the rejections should be withdrawn and that claims 2-5, 7, 8 and 11-25 are in condition for allowance.

### **Rejection under 35 U.S.C. § 102(b)**

Claims 3, 5, 7-8, 11, 16-21 and 23-24 are rejected under 35 U.S.C. § 102(b) as being anticipated by Zereski, Jr. et al. (U.S. Patent No. 5,654,886). With regard to claim 16, the Examiner asserted that Zereski, Jr. et al. disclose a method for creating a video program, substantially as recited in claim 16. In particular, the Examiner asserted that Zereski, Jr., et al. teach “receiving a recently recorded video segment and a recently recorded audio segment associated with the recently recorded video segment, the recently recorded video segment and the recently recorded audio segment featuring a selected speaker (see col. 4, lines 12-18, lines 37-45).” Applicant respectfully submits that Zereski, Jr. et al. fail to teach or suggest at least this feature of amended claim 16.

MPEP §2131 provides that “[t]o anticipate a claim, the reference must teach every element of the claim.” Therefore, to support this rejection with respect to independent claim 16, Zereski, Jr. et al. must contain all of the recited claim elements. However, there is no teaching or suggestion in Zereski, Jr. et al. of “receiving a recently recorded live video segment and a recently recorded audio segment associated with the recently recorded live video segment, the recently recorded live video segment and the recently recorded audio segment featuring a selected speaker.” The portions of Zereski, Jr. et al. cited by the Examiner teach the following:

In addition, the meteorologist records an oral forecast of specified length. The oral forecast is converted to a digital representation of the audio signal. Typically, the forecast is prepared for 3 to 5 days. After all information is entered, the meteorologist's PC uses a communication link to transmit the forecast information to the presentation generator 20 for storage and processing.

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Images, such as radar images and cloud maps, may be obtained from WSI Corporation of Billerica, Mass. Ski reports may be obtained from Snow Country Reports of Woodstock, Vt. In a manner similar to that described above, the ski reports are electronically transmitted to the presentation generator 20. As noted above, additional sources of outdoor information may include road conditions for different geographical regions and traffic conditions in urban areas.

These portions teach receiving “an oral forecast” prepared for a 3 to 5 day period, or receiving images (i.e., not live video). There is no teaching or suggestion receiving a recently recorded live video featuring a speaker in the portions cited by the examiner or any other portion of Zereski, Jr. et al.

In addition, Zereski, Jr. et al. fail to teach, “providing a plurality of audio recordings, wherein each audio recording corresponds to a particular condition and a particular speaker,” as recited in claim 16. As described in the instant specification at page 12:

The audio system 52 is a system that stores audio of the OCP saying commonly used words, phrases, and/or sentences. For example, with weather information, the audio system 52 contains recordings of OCMs saying many commonly used forecasts or expressions of local weather conditions, such as those relating to temperature, wind conditions, cloud conditions, etc. The audio system 52 preferably contains recordings for each of the OCM for as many of the words, phrases, and sentences as is practically possible.

The “audio recordings” are, thus, commonly used words, phrases and/or sentences. The “particular condition” is a particular weather condition, not a “forecast” as disclosed by Zereski, Jr. et al.

As such, there necessarily cannot be a teaching or suggestion in Zereski, Jr. et al. of “combining the recently recorded live video segment and the recently recorded audio segment with the new video segment and the new audio segment to create the requested video program,” as recited in claim 16. Accordingly, the Examiner is respectfully requested to withdraw the rejection of claim 16 and the claims that depend therefrom (claims 3, 5 and 17-18).

Amended claim 19, recites ” selecting a recently recorded live video segment and a recently recorded audio segment associated with the recently recorded live video segment that is

relevant to the request, wherein the recently recorded live video segment and the recently recorded audio segment both feature a selected speaker” With regard to claim 19, the Examiner cites to col. 7, line 66 – col. 8, line 27 and Fig. 8. However, these portions of Zereski, Jr. et al. fail to teach or suggest, “selecting a recently recorded live video.” Nor does Zereski, Jr. et al. teach “selecting one or more audio recordings that correspond to the selected speaker and to the received data,” for substantially the same reasons as noted above with regard to claim 16.

As such, Zereski, Jr. et al. also fail to teach or suggest, “selecting a recently recorded live video,” the reference also fails to teach or suggest “combining the recently recorded live video segment and the recently recorded audio segment with the new video segment and the new audio segment to create the requested video program.” Accordingly, the Examiner is respectfully requested to withdraw the rejection of claim 19 and the claims that depend therefrom (claims 7, 8 and 20-24).

In view of the above differences, the Examiner is requested to reconsider and withdraw the rejection under 35 U.S.C. § 102(b).

**Rejection under 35 U.S.C. § 103(a)**

Claims 2, 4, 12-15 and 25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Zereski, Jr. et al. (U.S. Patent No. 5,654,886) in view of Inoue et al. (U.S. Publication No. 2002/0016963) Regarding claim 12, the Examiner asserted that Zereski, Jr. et al. teaches the claim substantially as recited, however the Examiner admitted that Zereski, Jr. et al. fails to teach “a plurality of decoders supporting a plurality of encoding schemes, wherein a first decoder receives a first video input and decodes the first video input; and a plurality of encoders for receiving the video program and encoding the video program.” The Examiner asserted that Inoue et al. teach this recited element, and that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Zereski, Jr. et al.'s invention with the teaching of Inoue et al. Applicant respectfully traverses and submits that no proper combination of Zereski, Jr. et al. and Inoue et al. would render obvious the present invention as recited in amended claim 12.

In particular, amended claim 12 recites “a plurality of decoders supporting a plurality of encoding schemes, wherein a first decoder receives a first video input of recorded live video content and decodes the first video input to create a first video segment that includes a selected

speaker.” Claim 12 also recites “an audio database that stores a plurality of audio recordings, each audio recording corresponding to a particular condition and a particular speaker.” As noted above with regard to the rejection under 35 U.S.C. § 102(b), Zereski, Jr. et al. fail to teach or suggest receiving recorded live video content that includes a selected speaker. Nor does Zereski, Jr. et al. teach an audio database of audio recordings that each correspond to a particular condition and a particular speaker.

Inoue et al. fails to remedy the deficiencies of Zereski, Jr. et al., as Inoue et al. fail to teach the above limitations of claim 12. To establish a prima facie case of obviousness, MPEP 2143 requires that three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Any proper combination of Zereski, Jr. et al. and Inoue et al. fails to meet these criteria, as any proper combination of the teachings of the references fails to teach or suggest all of the claim limitations.

With regard to claims 2, 4, 13-15 and 25, Applicant believes these claims are allowable over the prior art of records, as each depends from what is believed to be an allowable claim, and add other features and limitations in combination with their respect base claim(s).

In view of the above, the Examiner is respectfully requested to reconsider and withdraw the rejection under 35 U.S.C. § 103(a).

**CONCLUSION**

Applicant believes that the application should now be in condition for allowance, and the Applicant solicits a notice to that effect. If there are any issues that can be resolved via a telephone conference, the Examiner is asked to contact the undersigned at (770) 475-9129.

Respectfully submitted,

Date: March 16, 2009

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